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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/928,881

08/13/2001

Konstantin Konson

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8141

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06/20/2006

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EXAMINER

TSAI, SHENG JEN

ART UNIT

PAPER NUMBER

2186

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/928,881

Applicant(s)

KONSON ET AL.

Examiner

Sheng-Jen Tsai

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This Office Action is taken in response to Applicants' Amendments and Remarks filed on May 9, 2006 regarding application 09/928,881 filed on August 13, 2001.
2. Claims 1-24 are pending in the application under consideration.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. As to independent claim 1, it recites the limitation of "creating a new object in said volatile memory using said object description from said segment and saving a new address of said new object in said second list in volatile memory;" and "determining said new address of objects referenced by the object and setting said new address as the reference in said new object."

The first portion of the limitations states "saving a new address of said new object in said second list in volatile memory." Thus, the new address is associated with the newly created object.

The second portion of the limitations, however, states "determining said new address of objects referenced by the object ... " This raises the following two issues:

First, the new address has been saved according to the first portion of the limitations ("saving a new address of said new object ... "), thus it is not clear why it

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would be necessary to "determining **said** new address ... " as recited in the second portion of the limitations. The element of "determining said new address" appears to be redundant, to say the least.

Second, the new address is associated with the newly created object according to the first portion of the limitations, and yet the second portion of the limitations further indicates that "**said** new address" is associated with "objects referenced by the object " ("determining **said** new address of objects referenced by the object ... "). Thus, the **said** new address is being associated to both "the new object" and "those objects referenced by the new object." This leads to the erroneous situation where the same said new address being assigned to two different sets of objects.

Claims 2-13 are rejected by virtue of their dependency from claim 1.

7. As to independent claim 14, which recites, among other things, the limitation of "allocating segments in said volatile memory;" "wherein the blocks are portions of said segments;" and "allocating a block of one of said segments." This leads to the following issue:

Since the segments are allocated first, and the blocks are portions of said segments, the event of "allocating segments" would also allocate the blocks because the blocks are portions of said segments as recited by the claim. Thus the second limitation of "allocating a block of one of said segments" appears to be redundant, to say the least.

Claim 14 also recites, among other things, the limitation of "creating a first object description for a first object by saving values owned by the first object of the variables

belonging to its class into said allocated blocks and **saving a new address of said first object** in the second list;" "determining the address of a second object description of a second object referenced in said first object;" and "setting the address of said respective object description as the reference in the created object description." This leads to the following issue:

The first portion of the limitations clearly states that the new address is associated with the first object, and not the first object description ("**saving a new address of said first object** in the second list").

The second portion of the limitations associates an address with the second object description ("determining the address of a second object description of a second object referenced in said first object").

The third portion of the limitations then states "setting **the address of said respective object description** ... ")

However, the address of the first object description is not defined up to this point, because the first portion of the limitations clearly states that the new address is associated with the first object, and not the first object description.

Claims 15-23 are rejected by virtue of their dependency from claim 14.

8. As to independent claim 24, first, it recites, among other things, the limitation of "allocating in said volatile memory segments;" and the term "said volatile memory" lacks antecedent basis.

Second, it also recites, among other things, the limitation of "storing said second list on said persistent storage;" "storing the segments referenced by said first list on said

persistent storage;" and "storing said first list on said persistent storage." But the term "said persistent storage" lacks antecedent basis.

Third, it also recites, among other things, the limitation of "allocating in said volatile memory segments;" and "allocating a block of one of said segments." This leads to the following issue:

Since the segments are allocated first, and the blocks are portions of said segments, the event of "allocating segments" would also allocate the blocks because the blocks are portions of said segments as recited by the claim. Thus the second limitation of "allocating a block of one of said segments" appears to be redundant, to say the least.

Fourth, it recites the limitation of "creating an object description for an object by saving values owned by the object of the variables belonging to its class into said the allocated block;  
adding a new element to said the second list containing the particular reference to said object description;" and the term "the particular reference to said object description" lacks antecedent basis.

The merits of patentability of claims 1-24 are not further analyzed in this Office Action, pending clarifications from Applicants.

### ***Conclusion***

9. Claims 1-24 are rejected as explained above.


8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheng-Jen Tsai whose telephone number is 571-272-4244. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
PIERRE BATAILLE  
PRIMARY EXAMINER  
6/15/06

Sheng-Jen Tsai